

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police –Petition of Sri N. Surender Rao, PC 2779 of Hyderabad City Police for arrears for the period of suspension and out of employment – Suspension and out of employment is treated as not on duty - orders – Issued.

HOME (SER-II) DEPARTMENT

G.O.Rt.No. 121

Dated:21-1-2012

Read the following:

1. G.O.Rt.No.315, Home (Pol.B) Department, dated: 14.2.2000,
2. G.O.Rt.No.254, Home (Ser.II) Department dated: 7.2.2006,
3. From Sri N. surrender Rao, PC 2779 of Hyderabad City representations dated Nil received on 26-12-2008 and 2-2-2009
4. Govt.Memo.No.40061/Ser-II/A3/2008, dated: 9-9-2009
5. Govt.Memo.No.40061/Ser-II/A3/2008, dated: 13-4-2011
6. From Sri N. surrender Rao, PC 2779 of Hyderabad City representation dated 5-9-2011

ORDER:

Sri N. Surender Rao, PC 2779 of Hyderabad City Police, was dealt with on a P.Roll for the following delinquency:

“Gross misconduct in seducing Kum. P.Balamani. WPC.1328 of Sangareddy Town PS and enjoying with her saying that he will marry her, when she asked to marry, he misbehaved with her in disobeying the promises made by him and refused to marry her.”

2. The SP, Medak District after following the procedure prescribed under APCS (CC&A) Rules held the charge as proved and imposed the punishment of Dismissal from service on the individual treating the suspension period from 24.3.1995 to till the receipt of the order as not on duty in his proceedings No.A6/PR/8/95 (D.O.1140/96), dated: 22/24.3.1996. The appeal of the individual was considered and rejected by the Appellate Authority i.e. DIG of Police, Hyderabad Range, Hyderabad, in his Procg.No.937/Appeal-59/HR/96, dated: 28.10.1996. The revision petition of the individual was considered and modified the punishment of Dismissal from service was modified to that of RTSP by two stages for a period of two years with effect on future increments and pension and reinstating him into service duly treating the period of suspension and out of employment as not on duty by the Revisional Authority i.e. Inspector General of Police, (Admn.), A.P., Hyderabad in his proceedings No.2056/T2/96, dated: 30.3.1997.

3. Though the individual has exhausted the channels of appeal and revision provided in the APCS (CCA) Rules, 1991, Government have considered the petition of the applicant and the modified punishment of RTSP by two stages for a period of two years with effect on future increments and pension was set aside, vide G.O. 1st read above. However, the period of suspension and out of employment was treated as not on duty. The individual has filed O.A.No.5575/2000, regarding settlement of suspension and out of employment period. The Hon'ble APAT, Hyderabad, vide Judgment in O.A.No.5775/2000, dated: 4.4.2005, has dismissed the said OA. Thereafter, the individual has submitted another petition to the Government requesting to treat the period of suspension and out of employment as on duty for all purposes. Government have issued orders treating the period of suspension and out of employment i.e. from 24.3.1995 to 11.8.1997 as on duty, but without any claim over arrears, vide G.O. 2nd read above.

4. Not contented with the above, the applicant has again submitted a petition to the Government in the reference 3rd read above, requesting for sanction arrears of pay and allowances for the period of suspension and out of employment i.e. from 24.3.1995 to 11.8.1997.

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5. Government felt that the dismissed delinquent was conferred an undue benefit by reducing the punishment from dismissal to dropping of the punishment stage – by stage which conferred the right to the individual to claim the arrears of salary for the suspension period and out of employment period which is not correct. Therefore, it was decided to impose some punishment in the interest of justice and accordingly a Show Cause Notice was issued to the individual vide Memo 4th read above, directing him to submit his explanation as to why the orders issued in G.O.Rt.No.315, Home (Pol.B) Dept., dated: 14.2.2000 and its consequential orders should not be cancelled and thereby restoring of penalty of RTSP by two stages for a period of two years with effect.

6. In response to the Show Cause Notice, the individual has submitted his explanation in the reference 6th read above, wherein he has tendered an unconditional apology for submitting the representation dated: 2.2.2009 to the Government for sanction of his arrears from 24.3.1995 to 11.8.1997 and he has therefore, prayed the Government to kindly pardon him for submitting such representation and also stated that he will not submit any more representation in the issue.

7. After reviewing the entire matter Government observed that the very orders of the Government treating the suspension and out of employment periods as on duty without claim over arrears was irregular. However, since the applicant has tendered his apology and assured that he would not represent hereafter for such relief, a lenient view is taken and as such Government hereby cancel the orders issued in the reference 2nd read above only. Therefore, the suspension period and out of employment period of Sri N. Surender Rao, PC 2779 of Hyderabad City Police from 24.3.1995 to 11.8.1997 shall be treated as “not on duty” as per FR 54 (4) as ordered in GO 1st read above. .

8. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The DGP, Andhra Pradesh, Hyderabad,
The individual through DGP, AP, Hyderabad
Sc/Sf

//Forwarded:: By order//

SECTION OFFICER